

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HOSPITAL OF BARSTOW, INC. d/b/a
BARSTOW COMMUNITY HOSPITAL

and

Cases 31-CA-090049
31-CA-096140

CALIFORNIA NURSES ASSOCIATION/
NATIONAL NURSES ORGANIZING COMMITTEE
(CNA/NNOC), AFL-CIO

ORDER DENYING MOTION FOR RECONSIDERATION

On July 15, 2016, acting pursuant to the court's remand in *Hospital of Barstow, Inc. v. NLRB*, 820 F.3d 440 (D.C. Cir. 2016), the Board issued a Supplemental Decision and Order in this proceeding. The Board found that in the circumstances presented by this case the Regional Director's certification of representative in the underlying representation proceeding was valid notwithstanding the absence of a Board quorum, and that the Respondent violated Section 8(a)(5) and (1) of the Act in several respects. 364 NLRB No. 52 (2016).

On September 9, 2016, the Respondent filed a Motion for Reconsideration. In its motion, the Respondent reiterates its prior arguments that the Regional Director lacked authority in the absence of a Board quorum, and asserts that the Board's Supplemental Decision and Order "fails to analyze the questions posed to the Board by the D.C. Circuit upon remand." Motion, p. 12.

Having duly considered the matter, we find that the Respondent's Motion for Reconsideration raises nothing not previously considered and is lacking in merit. We further find that the Respondent has not demonstrated extraordinary circumstances

warranting reconsideration under Section 102.48(d)(1) of the Board's Rules and Regulations.¹ Accordingly,

IT IS HEREBY ORDERED that the Respondent's motion for reconsideration of the Board's July 15, 2016 Decision and Order is denied.

Dated, Washington, D.C., September 14, 2016

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA MEMBER

LAUREN McFERRAN, MEMBER

¹ Board Member Miscimarra did not participate in the Supplemental Decision and Order and does not reach or pass on its merits, but agrees with his colleagues that the Respondent's motion does not identify extraordinary circumstances warranting reconsideration.